IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.990 OF 2006

Rohit Pukhraj Shah ..Petitioner

Vs.

Shri.Anil Nanna & Ors. ..Respondents

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Mr.Shrishail Sakhare and Mrs.Nilambika S.Sakhare
Advocates for Petitioner
Ms.Madhavi Mhatre A.P.P., for State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 17,2006

P.C.

1. Heard the learned advocate for the Petitioner. The Petitioner is the complainant in R.C.C.No.97 of 2002. The said case is under Section 420 and various other Sections of IPC. During the course of trial, the petitioner had preferred application Exhibit-35 for producing the documents relating to Saving Bank Account No.7208 in Vyapari Sahakari Bank, Solapur. The application of the Petitioner came to be allowed by the learned Judicial Magistrate F.C. by order dated 27.6.2005. Thereafter the bank witness i.e. Chandrakant Yamalwar was examined on 18.3.2006. This witness

in answer to some questions stated that he could not give the details without seeing the record. On the basis of this averment of the bank witness, the complainant assumed that the witness had not got all the records as prayed for. Hence, the Petitioner preferred application Exhibit-50 for directions to the bank to produce the documents relating to opening of bank account. The said application came to be rejected by the learned Magistrate by order dated 18.3.2006. Being aggrieved by this order, the present Writ Petition has been preferred.

2. On perusal of the order dated 18.3.2006, it is seen that the witness came along with record which was called as per Exhibit-35. Exhibit-35 is the original application of the Petitioner calling for the records. If all the documents as per Exhibit-35 were brought by the witness, the Petitioner now cannot raise any grievance. Moreover, on going through the evidence of the bank witness Chandrakant Yamalwar, it cannot be said that he had not got the relevant documents. The witness has merely stated that he would not be able to give the details without seeing the record.

From this, no conclusion can be drawn that he had not got the record. Hence, I see no substance in this petition.

3. Writ Petition is rejected summarily.

[V.K.TAHILRAMANI,J.]